

The House Committee on Governmental Affairs offers the following substitute to HB 1306:

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of special elections generally, so as to provide that special elections regarding the imposition of sales and use taxes shall be held only on certain dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of special elections generally, is amended by striking the Code section and inserting in lieu thereof a new Code Section 21-2-540 to read as follows:

"21-2-540.

(a) Every special election shall be held and conducted in all respects in accordance with the provisions of this chapter relating to general elections; and the provisions of this chapter relating to general elections shall apply thereto insofar as practicable and as not inconsistent with any other provisions of this chapter. All special elections held at the time of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, so far as practicable, as are used for such general election.

(b) At least 29 days shall intervene between the call of a special primary and the holding of same, and at least 29 days shall intervene between the call of a special election and the holding of same. The period during which candidates may qualify to run in a special primary or a special election shall remain open for a minimum of two and one-half days. Special elections which are to be held in conjunction with a state-wide general primary or state-wide general election shall be called at least 60 days prior to the date of such state-wide general primary or state-wide general election; provided, however, that this requirement shall not apply to special elections held on the same date as such state-wide

1 general primary or state-wide general election but conducted completely separate and apart
2 from such state-wide general primary or state-wide general election using different ballots
3 or voting equipment, facilities, poll workers, and paperwork.

4 (c)(1) Notwithstanding any other provision of law to the contrary, except as otherwise
5 provided in this subsection, a special election to present a question to the voters or a
6 special primary or special election to fill a vacancy in a county or municipal office shall
7 be held only on one of the following dates which is at least 29 days after the date of the
8 call for the special election:

9 (A) In odd-numbered years any such special election shall only be held on:

- 10 (i) The third Tuesday in March;
11 (ii) The third Tuesday in June;
12 (iii) The third Tuesday in September; or
13 (iv) The Tuesday after the first Monday in November; and

14 (B) In even-numbered years any such special election shall only be held on:

- 15 (i) The third Tuesday in March; provided, however, that in the event that a special
16 election is to be held under this provision in a year in which a presidential preference
17 primary is to be held, then any such special election shall be held on the date of and
18 in conjunction with the presidential preference primary;
19 (ii) The date of the general primary;
20 (iii) The third Tuesday in September; or
21 (iv) The Tuesday after the first Monday in November.

22 (2) The provisions of this subsection shall not apply to:

23 (A) Special elections held pursuant to Chapter 4 of this title, the "Recall Act of 1989,"
24 to recall a public officer or to fill a vacancy in a public office caused by a recall
25 election; and

26 (B) Special primaries or special elections to fill vacancies in federal or state public
27 offices.

28 (3) Special elections to present questions to the voters on the approval or rejection of the
29 imposition of sales and use taxes shall only be conducted on the date of the general
30 primary or the Tuesday after the first Monday in November in even-numbered years or
31 the third Tuesday in June or the Tuesday after the first Monday in November in odd-
32 numbered years.

33 (d) Except as otherwise provided by this chapter, the superintendent of each county or
34 municipality shall publish the call of the special election.

35 (e) Candidates in special elections for partisan offices shall be listed on the ballot
36 according to party affiliation."

- 1 **SECTION 2.**
- 2 All laws and parts of laws in conflict with this Act are repealed.